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NEWS RELEASE  
FRIDAY, JUNE 18, 2010

### Appeals Court Allows Child Welfare Suit Against DCYF to Proceed

In an important victory for children's rights, the U.S. Court of Appeals in Boston today [reversed a federal district court ruling](#) that had thrown out a case against the Department of Children Youth and Families (DCYF) for the mistreatment of foster children in its care. RI ACLU volunteer attorneys Andrew Prescott and Steven Richard had filed a "friend of the court" brief last August urging the appellate court to take this action.

The lawsuit, filed by the Child Advocate and the national advocacy organization Children's Rights, argues that DCYF was systematically violating the constitutional rights of foster children, who often face mistreatment, neglect and unstable placements. However, a federal judge dismissed the suit last year on the ground that only the Family Court guardians of the foster children had standing to bring a federal lawsuit on behalf of the children.

In filing a brief urging reversal of that decision, the ACLU called the need for unimpeded access to the courts "a critical right to protect one's constitutional rights." The appellate court agreed, noting that "important social interests are advanced by allowing minors access to a judicial forum to vindicate their constitutional rights ... particularly where, as here, the minors seek relief for alleged violations of the guardian's duty to protect them."

Responding to the lower court's claim that the children's Family Court guardians are available to protect their rights, the ACLU's brief had also noted there is "clear record evidence that these guardians ad litem have not and will not likely challenge DCYF's actions and omissions because of alleged conflicts of interest." Without addressing that specific argument, the First Circuit unanimously concluded that state law did not give the guardians authority to represent the children in federal court proceedings.

As a result of today's decision, the lawsuit will proceed in district court. The ACLU called the ruling "very heartening."

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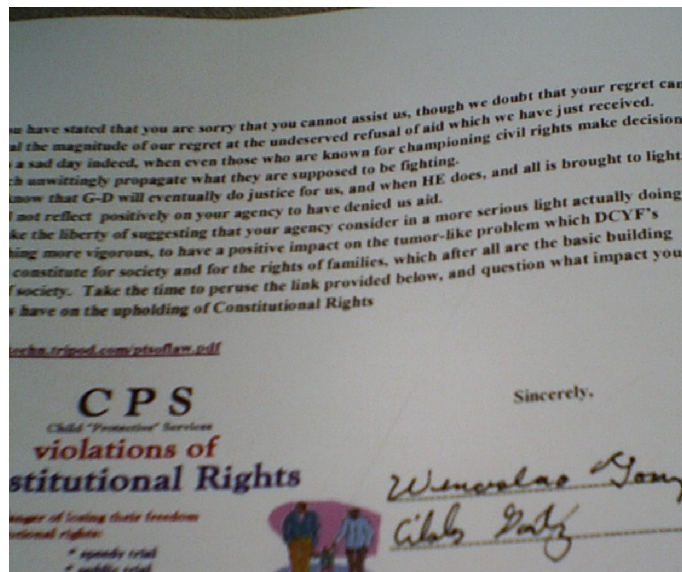
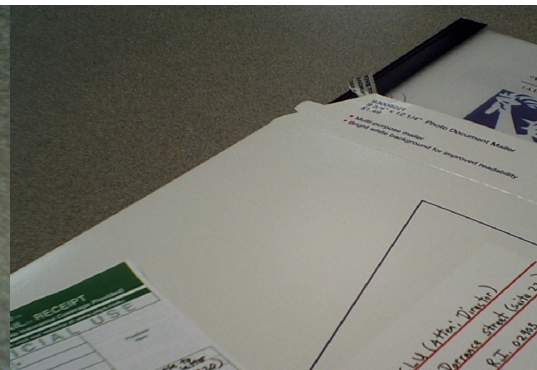
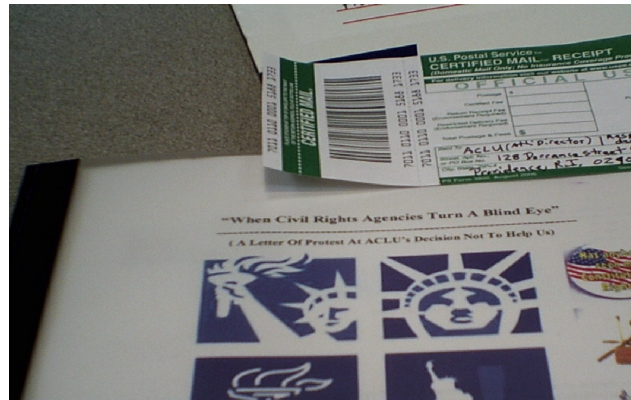
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This is the website of the Rhode Island Affiliate, ACLU and the ACLU Foundation of Rhode Island.

[Learn more](#) about the distinction between these two components of the RI ACLU.

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I sent info to ACLU last year explaining our situation, and they told me that they could do nothing about our outrageous case!! So we sent a letter back to ACLU expressing our extreme disappointment at their unjust decision. Photos of when that letter was sent to them can be seen here.



The letter that we received from ACLU denying their aid can be seen, and our reply letter to them can also be read at the link provided below:

<http://archive.org/details/WhenCivilRightsAgenciesTurnABlindEyeALetterOfProtestAtAclus>